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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION - LAW

RICHARD HASSELBUSCH and	:	No.
CHRISTINE HASSELBUSCH,	:	
Parents and Natural Guardians of	:	IN CIVIL ACTION
W.H., a Minor,	:	
1790 Arden Lane	:	JURY TRIAL DEMANDED
Bethlehem PA 18015	:	
	Plaintiffs	:
v.	:	
	:	
LARRY SALMERON ACOSTA,	:	
176 Winding Cedar Drive	:	
Statesville NC 28677-8411,	:	
	:	
LJ TRANSPORTATION	:	
176 Winding Cedar Drive	:	
Statesville NC 28677-8411,	:	
	:	
and	:	
	:	
IMPERIAL DADE,	:	
425 Rising Sun Road	:	
Bordentown NJ 08505	:	
	Defendants.	:

COMPLAINT

COME NOW, Plaintiffs, Richard Hasselbusch and Christine Hasselbusch, as Parents and Natural Guardians of W.H., a Minor, by and

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through their counsel, Hof & Reid, LLC, and file the within Complaint, and in support thereof aver the following:

PARTIES

1. Plaintiffs, Richard Hasselbusch and Christine Hasselbusch are the parents and natural guardians of W.H., who at all times relevant hereto reside at 1790 Arden Lane, Bethlehem, Northampton County, Pennsylvania. Hereinafter the term “Plaintiffs’ Minor” refers to W.H.

2. Defendant, Larry Salmeron Acosta (hereinafter “Defendant Acosta”), is an adult individual who at all times relevant hereto resides at 176 Winding Cedar Drive, Statesville, Iredell County, North Carolina.

3. Defendant, Imperial Dade, is a New Jersey Corporation, with a principal place of business located at 425 Rising Sun Road, Bordentown, Burlington County, New Jersey.

4. Defendant, LJ Transportation, is a North Carolina company, with a principal place of business located at 176 Winding Cedar Drive, Statesville, NC 28677.

5. At all times relevant hereto, Defendant Acosta acted as an agent, workman, employee and/or servant of Defendant Imperial Dade.

6. At all times relevant hereto, Defendant Acosta also acted as an

agent, workman, employee and/or servant of Defendant LJ Transportation.

7. At all times relevant hereto, Defendant Acosta was in the business of, *inter alia*, transporting goods.

8. Defendant Acosta regularly and systematically conducts business in the Commonwealth of Pennsylvania, specifically in Lehigh County, Pennsylvania.

9. At all times relevant hereto, Defendant Imperial Dade regularly and systematically conducts business in the Commonwealth of Pennsylvania, specifically in Lehigh County, Pennsylvania, regarding the transportation, delivery and distribution of its food service packaging, facility maintenance supplies, and products.

JURISDICTION AND VENUE

10. Plaintiffs, at all times relevant hereto, were citizens of the Commonwealth of Pennsylvania, residing at 1790 Arden Lane, Bethlehem, Northampton County, Pennsylvania.

11. Defendant, Larry Salmeron Acosta, was at all times relevant hereto a citizen of the state of North Carolina, residing at 176 Winding Cedar Drive, Iredell County, North Carolina.

12. Defendant, Imperial Dade, was at all times relevant hereto a

New Jersey corporation, with a principal place of business located at 425 Rising Sun Road, Bordentown, Burlington County, New Jersey.

13. Defendant, LJ Transportation, was at all times relevant hereto a North Carolina company, with a principal place of business located at 176 Winding Cedar Drive, Statesville, NC 28677.

14. Under the Pennsylvania Motor Vehicle Financial Responsibility Law, Plaintiffs have an unrestricted right to seek financial compensation for the injuries sustained to Plaintiffs' minor, W.H., either because the Plaintiffs' Minor is covered under the full tort option, or because Plaintiffs' Minor has suffered serious injury to his person, or because Plaintiffs' Minor comes within one of the exceptions set forth 75 PS § 1705.

14. In the instant Complaint, Plaintiffs are demanding judgment in excess of \$1,000,000.00, which exceeds the diversity jurisdictional limitation of \$75,000.00.

15. This Honorable Court has diversity jurisdiction because diversity of citizenship of the parties exists and an amount in excess of the \$75,000.00 jurisdictional limit is demanded.

16. At all times pertinent hereto, Defendant Acosta was an

interstate motor carrier, proving freight and logistical services throughout the Commonwealth of Pennsylvania, and regularly conducted business in Lehigh County, Pennsylvania.

17. Venue is properly laid in the Eastern District of Pennsylvania because the action arises out of a motor vehicle accident which occurred within this district (Lehigh County, Pennsylvania).

FACTUAL BACKGROUND

18. Plaintiffs incorporate Paragraphs 1 through 17 by reference as though the same were set forth more fully and at length herein.

19. On May 13, 2021, at approximately 10:41 PM, Plaintiffs' Minor was the operator of a 2008 Volkswagen Passat, bearing Pennsylvania registration number KDX0119, which vehicle was being operated in an easterly direction on West Saucon Valley Road, at or near its intersection with State Route 309 South in Upper Saucon Township, Lehigh County, Pennsylvania.

20. On or about the aforesaid date, at or about the aforesaid time, Defendant Acosta was the operator of a 2002 Freightliner truck-tractor, bearing registration number NK3374, pulling a semi-trailer (hereinafter referred to as "tractor-trailer"), tag number AL70878, which was being

operated at an unsafe speed in a southerly direction on State Route 309, at or near its intersection with West Saucon Valley Road in Upper Saucon Township, Lehigh County, Pennsylvania. See Exhibit "A" Commonwealth of Pennsylvania Police Crash Report.¹

21. On or about the aforesaid date and time, Defendant Acosta was hauling a load of commercial paper products for Defendants Imperial Dade and LJ Transportation and was operating within the course and scope of his employment with Defendants Imperial Dade and LJ Transportation.

22. On or about the aforesaid date and time, Defendant Acosta operated the tractor-trailer at speeds in excess of the post speed limit.

23. As Defendant Acosta approached the intersection of State Route 309 and West Saucon Valley Road in the tractor-trailer at speeds in excess of the posted speed limit, the traffic signal turned to a steady red signal.

24. In conscious disregard of the steady red traffic signal, which camera video footage demonstrates was red for approximately ***five (5) seconds prior to Defendant Acosta's entry into the intersection***, Defendant Acosta failed to stop his tractor-trailer, proceeded through a red light at the

¹ A true and correct copy of the Commonwealth of Pennsylvania Police Crash Report is attached hereto and is identified herein as Exhibit "A."

intersection, and violently struck the vehicle in which Plaintiffs' Minor was operating as he was lawfully proceeding within the right-of-way through the intersection of Route 309 and West Saucon Valley Road as indicated by a green traffic signal in his direction.

25. In conscious disregard to other motorists on the roadway, including Plaintiffs' Minor, Acosta approached the subject intersection in the tractor-trailer, proceeded through a steady red signal, and collided with the vehicle Plaintiffs' Minor was operating, all while talking on his cellular telephone.

26. Furthermore, and in violation of state and federal regulations, including the Federal Motor Carrier Safety Regulations, at the time of the collision, Defendant Acosta was operating the tractor-trailer in excess of the maximum allowable driving and duty time.

27. As a direct and proximate result of the negligence and carelessness of Defendant Acosta, separate and apart from the negligence and carelessness of any other responsible party, Plaintiffs' minor has suffered serious and permanent injuries to his body including, but not limited to, fractured scapula, fractured collar bone, fractured humerus and radius, nerve damage, fractured ribs, pneumothorax, multiple pelvic fractures,

bilateral femur fractures, a Morel-Lavallee lesion to the left leg.

28. At all times pertinent hereto, during the events described above, Defendant Acosta was an employee or other duly authorized agent, actual, ostensible, or otherwise of Defendant Imperial Dade, and was at all pertinent times acting within the course and scope of his employment and agency.

29. At all times pertinent hereto, during the events described above, Defendant Acosta was an employee or other duly authorized agent, actual, ostensible, or otherwise of Defendant LJ Transportation, and was at all pertinent times acting within the course and scope of his employment and agency.

30. At all times relevant hereto, Defendants were fully aware that failure to properly operate the vehicle in question would cause catastrophic injuries to individuals on the road, such as Plaintiffs' Minor and those similarly situated.

COUNT I - NEGLIGENCE

**RICHARD HASSELBUSCH and CHRISTINE HASSELBUSCH,
Parents and Natural Guardians of W.H., a Minor v. LARRY
SALMERON ACOSTA and IMPERIAL DADE**

31. Plaintiffs incorporate Paragraphs 1 through 30 by reference as though the same were set forth more fully and at length herein.

32. The vehicle operated by Defendant Acosta was operated in a careless and negligent manner, separate and apart from the carelessness and negligence of any other responsible party, when he collided with the vehicle operated by Plaintiffs' Minor, W.H. as Plaintiffs' Minor's vehicle lawfully proceeded through the aforesaid intersection with a steady green light and Defendant Acosta proceeded though said intersection with a steady red light.

33. The vehicle operated by Defendant Acosta was operated in a careless and negligent manner, separate and apart from the carelessness and negligence of any other responsible party, in the following respects:

- (a) In failing to stop as required by the steady red traffic control signal;
- (b) In failing to apply the tractor-trailer brakes as necessary while approaching the steady red traffic light at the intersection afore-referenced;
- (c) In failing to apply the tractor-trailer's emergency brake when appropriate;
- (d) In failing to yield right-of-way to which Plaintiffs' Minor was entitled;
- (e) In failing to observe vehicles in front of him;

- (f) In failing to keep a lookout for other vehicles lawfully using the highway;
- (g) In failing to keep a lookout for intersection vehicles;
- (h) In failing to observe intersection vehicles;
- (i) In failing to keep a lookout for intersection traffic control devices;
- (k) In failing to obey intersection traffic control devices;
- (l) In failing to have his vehicle properly under control;
- (m) In failing to make any attempt to avoid collision with other vehicles;
- (n) In failing to maintain his vehicle properly;
- (o) In failing to ensure that the vehicle he was operating was in proper working order and was safe to operate;
- (p) In operating his vehicle in excess of the posted speed limit;
- (q) In operating the vehicle at a speed too fast and unsafe for conditions;
- (r) In failing to operate the vehicle with due care and regard for the rights and safety of others;

- (s) In operating the tractor-trailer over the eleven hour driving limit required by 67 Pa. Code § 229.14 and 49 CFR 395.3(A)(3)(i);
- (t) In operating the tractor-trailer in excess of fourteen hours after coming off a ten hour rest period in accordance with 67 Pa. Code § 229.14 and 49 CFR 395.3(A)(2);
- (u) In operating the tractor-trailer, which had a clamp brake out of adjustment in contravention of Pa. Code 67 § 229.14 and 49 CFR 393.47(e);
- (w) In operating the tractor-trailer in violations of the Pennsylvania Motor Vehicle Code;
- (x) In operating the tractor-trailer in violation of the Federal Motor Carrier Safety Regulations (“FMCSR”);
- (y) In operating his vehicle while talking on his cellular telephone;
- (z) In unlawfully driving a tractor-trailer through a steady red traffic signal, at speeds above the posted speed limit, while talking on a cellular telephone.

34. Further demonstrating Defendant Acosta’s operation of the

tractor-trailer beyond the hour-limited driving requirements, Defendant Acosta failed to maintain an electronic logging device on board as required by 67 Pa. Code 229.14 and 49 CFR 395.8(A) and failed to maintain logs for his prior seven (7) days of driving as required by 67 Pa. Code 229.14 and 49 CFR 395.3(A)(2).

35. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Minor suffered injuries as previously averred.

36. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiff has suffered great mental anguish, physical pain and humiliation up to the date of the filing of this Complaint.

37. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Minor will continue to suffer great mental anguish, physical pain and humiliation into the future.

38. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Minor will suffer loss of earnings and/or a diminution in his ability to earn, which may exceed the amounts recoverable under the limitations prescribed by law.

39. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Minor has been unable to pursue and enjoy the usual activities of life of an individual of his same age and circumstances, and Plaintiffs' Minor has suffered a loss of enjoyment of life, loss of happiness and loss of pleasure of life up to the date of the filing of this Complaint, and will continue to suffer the same throughout the remainder of his life.

40. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Richard Hasselbusch and Christine Hasselbusch have been caused to expend various and diverse sums of money for medical care and treatment,

medication, therapy and rehabilitation necessary and required by Plaintiffs' Minor, W.H.

41. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs Richard Hasselbusch and Christine Hasselbusch will be caused to expend various and diverse sums of money into the future for medical care and treatment, medication, physical therapy and rehabilitation until such time as Plaintiffs' Minor reaches the age of majority.

42. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiffs' Minor, W.H., will be caused to expend various and diverse sums of money once he reaches the age of majority and into the future for medical care and treatment, medication, physical therapy and rehabilitation.

WHEREFORE, Plaintiffs Richard Hasselbusch and Christine Hasselbusch, Parents and Natural Guardians of W.H. demand judgment in their favor and against the Defendants, Larry Salmeron Acosta, LJ Transportation, and Imperial Dade, in an amount that exceeds the

jurisdictional amount requiring arbitration by local rule, together with interest and costs. Plaintiffs further demand a trial by jury of twelve of their peers to determine their cause.

COUNT II - VICARIOUS LIABILITY

**RICHARD HASSELBUSCH and CHRISTINE HASSELBUSCH,
Parents and Natural Guardians of W.H., a Minor v. LARRY
SALMERON ACOSTA and IMPERIAL DADE AND LJ
TRANSPORTATION**

43. Plaintiffs incorporate Paragraphs 1 through 42 by referenced as though the same were set forth more fully and at length herein.

44. At all times pertinent to the filing of this Complaint, Defendant Acosta was the agent of Defendants Imperial Dade and LJ Transportation, and Defendant Acosta was at all pertinent times acting within the scope of his agency.

45. By virtue of the agency relationship between Defendant Acosta and Defendants Imperial Dade and LJ Transportation, Defendants Imperial Dade and LJ Transportation are liable to Plaintiffs for the negligence of Defendant Acosta as above-averred under and pursuant to principles of vicarious liability.

46. As a direct and proximate result of the above-described occurrence and Defendant Acosta's negligence and carelessness, separate

and apart of the negligence and careless of any other responsible party, Plaintiff has suffered injuries and damages as set forth in this Complaint.

WHEREFORE, Plaintiffs Richard Hasselbusch and Christine Hasselbusch, Parents and Natural Guardians of W.H. demand judgment in their favor and against the Defendants, Larry Salmeron Acosta and Imperial Dade, in an amount that exceeds the jurisdictional amount requiring arbitration by local rule, together with interest and costs. Plaintiffs further demand a trial by jury of twelve of their peers to determine their cause.

COUNT III -NEGLIGENT HIRING/SUPERVISION/RETENTION

**RICHARD HASSELBUSCH and CHRISTINE HASSELBUSCH,
Parents and Natural Guardians of W.H., a Minor v. IMPERIAL DADE
AND LJ TRANSPORTATION**

47. Plaintiffs incorporate Paragraphs 1 through 45 by referenced as though the same were set forth more fully and at length herein.

48. At all times pertinent to the filing of this Complaint, Defendant Acosta was the agent for Defendants Imperial Dade and LJ Transportation, and Defendant Acosta was at all pertinent times acting within the scope of his agency.

49. By virtue of the agency relationship between Defendant Acosta and Defendants Imperial Dade and LJ Transportation, Defendants Imperial

Dade and LJ Transportation owed a duty of care as employers and/or principals to adequately investigate its employees prior to hiring, to properly train employees, and to adequately supervise its employees, including Defendant Acosta, in the performance of his jobs duties.

50. Separate and apart from their vicarious liability based on the nature of their relationship with Defendant Acosta, Defendants Imperial Dade and LJ Transportation were careless and negligent in the following respects:

- (a) Failing to train their drivers, including Defendant Acosta, as to the safe and prudent operation of a tractor-trailer;
- (b) Failing to train to their drivers, including Defendant Acosta, as to the maintenance of hours logs as required by state and federal law, including the Federal Motor Carrier Safety Regulations;
- (c) Failing to provide training to its drivers, including Defendant Acosta, on a regular basis as to the safe and prudent operation of a tractor-trailer;
- (d) Failing to train their drivers, including Defendant Acosta, as to the hours of service as proscribed by state and

federal law;

- (e) Failing to train their drivers, including Defendant Acosta, against the use of cellular telephones and other handheld devices while operating tractor-trailers;
- (f) Failing to supervise their drivers, including Defendant Acosta, when it knew or should have known that Defendant Acosta was an incompetent driver;
- (g) Failing to supervise their drivers, including Defendant Acosta, when they knew and had reason to know, based upon a past history of violations as to the tractor-trailer and violations as to the failure to maintain/possess on duty service logs, that Defendant Acosta failed to comply with state and federal laws and regulations;
- (h) Failing to supervise their drivers, including Defendant Acosta, as to ensure compliance with state and federal laws and regulations, including the Federal Motor Carrier Safety Regulations;
- (i) Failing to supervise their drivers, including Defendant Acosta, to ensure that drivers are not operating tractor-

trailers while fatigued and/or beyond permissible hour

requirements imposed by law;

- (j) Negligently entrusting Defendant Acosta with a tractor-trailer, despite having knowledge or reason to know that Defendant Acosta lacked sufficient and appropriate skills and judgment to operate a tractor-trailer;
- (k) Failing to properly screen drivers for adequate skill and knowledge prior to entrusting a tractor-trailer;
- (l) Failing to hire drivers of appropriate skill and knowledge consistent with the Federal Motor Carrier Safety Regulations, as well as state and federal laws and regulations;
- (m) Failing to inspect, maintain, and repair vehicles not otherwise in compliance with the Federal Motor Carrier Safety Regulations and other state and federal laws and regulations; and
- (n) Retaining drivers who are incompetent and ill equipped to properly operate a tractor-trailer.

51. As a direct and proximate result of the above-described

occurrence and Defendant Acosta's negligence and carelessness, separate and apart of the negligence and careless of any other responsible party, Plaintiff has suffered injuries and damages as set forth previously in this Complaint.

WHEREFORE, Plaintiffs Richard Hasselbusch and Christine Hasselbusch, Parents and Natural Guardians of W.H. demand judgment in their favor and against the Defendants, Larry Salmeron Acosta, LJ Transportation, and Imperial Dade, in an amount that exceeds the jurisdictional amount requiring arbitration by local rule, together with interest and costs. Plaintiffs further demand a trial by jury of twelve of their peers to determine their cause.

COUNT IV - NEGLIGENT ENTRUSTMENT

**RICHARD HASSELBUSCH and CHRISTINE HASSELBUSCH,
Parents and Natural Guardians of W.H., a Minor v. LARRY
SALMERON ACOSTA and IMPERIAL DADE AND LJ
TRANSPORTATION**

52. Plaintiffs incorporate Paragraphs 1 through 51 by referenced as though the same were set forth more fully and at length herein.

53. At all times pertinent to the filing of this Complaint, Defendants Imperial Dade and LJ Transportation knew or should have known that Defendant Acosta was unwilling and/or incapable of safely operating the

tractor-trailer.

54. Despite the fact that Defendants Imperial Dade and LJ Transportation knew or should have known that Defendant Acosta was unwilling and/or incapable of safely operating the tractor-trailer, Defendants Imperial Dade and/or LJ Transportation entrusted the tractor-trailer to Defendant Acosta on the date of the collision described herein.

55. Defendants Imperial Dade and LJ Transportation knew or should have known that Defendant Acosta received multiple violations of the FMCSR in the operation of a tractor-trailer, including, but not limited to:

- Driving beyond 11 hour driving limit;
- Prior duty status violations; and
- Operating a truck-tractor and/or other vehicle that otherwise failed to comply with the FMCSA.

56. The conduct of Defendant Acosta in entrusting the tractor-trailer to Defendant Acosta was negligent and careless.

57. As a direct and proximate result of the above-described occurrence and the negligence of Defendant Acosta, separate and apart of the above-described occurrence and the negligence of any other party, Plaintiffs have suffered damages as previously set forth in this Complaint.

WHEREFORE, Plaintiffs Richard Hasselbusch and Christine Hasselbusch, Parents and Natural Guardians of W.H. demand judgment in their favor and against the Defendants, Larry Salmeron Acosta, LJ Transportation, and Imperial Dade, in an amount that exceeds the jurisdictional amount requiring arbitration by local rule, together with interest and costs. Plaintiffs further demand a trial by jury of twelve of their peers to determine their cause.

COUNT V - PUNITIVE DAMAGES

**RICHARD HASSELBUSCH and CHRISTINE HASSELBUSCH,
Parents and Natural Guardians of W.H., a Minor v. LARRY
SALMERON ACOSTA, LJ TRANSPORTATION, and IMPERIAL
DADE**

58. Plaintiffs incorporate paragraphs 1 through 57 by reference as though the same were set forth more fully and at length herein.

59. At the time of the subject accident referenced herein, Defendant Acosta had been operating the subject tractor-trailer in excess of eleven hours within a fourteen hour period in contravention of Pa. 67 § 229.14 and 49 CFR 395.3(A)(3)(i).

60. Additionally, on the date of the accident referenced herein, Defendant Acosta had been operating the subject tractor-trailer in excess of fourteen hours after having come off of a ten hour rest period in

contravention of Pa. 67 § 224.14 and 49 CFR 395.(3)(a)(2).

61. On the date of the subject accident, Defendant Acosta's log book entries indicate that Defendant had departed his home at 6:19AM and completed an "off book run" in the Charlotte, North Carolina area prior to commencing his trip for Defendants, Imperial Dade and LJ Transportation, which was scheduled to be completed in Bordentown, New Jersey, some time in the evening of May 13, 2021.

62. At the time of the subject accident, Defendant Acosta was talking on his cellular telephone and was distracted, causing him to disregard the steady red signal in that was controlling traffic as he approached the State Route 309 from a southbound direction in a tractor-trailer, at or near its intersection with West Saucon Valley Road.

63. In fact, video footage of the accident demonstrates that Defendant Acosta had a *steady red traffic signal for approximately five (5) seconds* and yet he proceeded through the steady red traffic signal and into the vehicle operated by Plaintiffs' Minor.

64. Additionally, Defendant Acosta's operation of the tractor-trailer in excess of the eleven hour driving limit made him incapable of safely operating the subject tractor-trailer due to fatigue.

65. Even when operating a tractor-trailer while talking on his cell phone, as he approached the subject intersection, Defendant Acosta was also operating the tractor-trailer in excess of the posted speed limit and at a speed unsafe for the conditions on the roadway.

66. Defendant Acosta's driver fatigue, operation of the subject tractor-trailer at an unsafe speed, and talking on his cellular telephone individually and cumulatively contributed to his failure to stop for the steady red traffic control device at the subject intersection which caused him to strike the vehicle operated by Plaintiffs' Minor, W.H.

67. The above-described of Defendant Acosta was reckless and outrageous, amounting to a conscious indifference to the rights of Plaintiffs' Minor and other motor vehicle operators and occupants similarly situated, as to warrant an award of punitive damages under and pursuant to Restatement Second of Torts, 908 as adopted by the law of the Commonwealth of Pennsylvania.

68. Defendants, LJ Transportation and Imperial Dade, are vicariously liable for punitive damages for the reckless, outrageous, and conscious indifference posed to Plaintiffs' Minor and other members of the motoring public.

69. Prior to the date of the subject accident, Defendants, LJ Transportation and Imperial Dade, knew or had reason to know that Defendant Acosta was previously cited for driving beyond the 11 hour driving limit, for failing to maintain records as to his duty status, among several other violations.

70. Prior to the date of the subject accident, Defendants, LJ Transportation and Imperial Dade, knew or had reason to know that Defendant Acosta frequently operated a tractor-trailer that failed to comply with the Federal Motor Carrier Safety Regulations on at least three occasions prior to the date of the subject accident.

71. Further, Defendants, LJ Transportation and Imperial Dade knew or had reason to know that permitting Defendant Acosta to operate the tractor-trailer when Defendant Acosta was unfit to do so would result in serious injury to other drivers, including Plaintiffs' Minor, particularly, where there is public record of Defendant Acosta's prior violation history, which includes failures to comply with federal and state laws, including the Federal Motor Carrier Safety Regulations, as to maintaining and operating hours for its drivers.

72. Despite the same, Defendants, LJ Transportation and Imperial

Dade, permitted Defendant Acosta to operate the tractor-trailer to drive in excess of permissible hours, in a fatigued state, while using his cellular telephone, causing the accident.

73. Upon information and belief, Defendants, LT Transportation and Imperial Dade, despite having knowledge of these publicly available Federal Motor Carrier Safety Regulation violations, Defendants failed to train and supervise its drivers, including Defendant Acosta, and consciously disregarded the known risk that Defendant Acosta was an unsafe and incompetent operator with a history of failing to comply with the Federal Motor Carrier Safety Regulations and other state and federal regulations.

74. Defendants, LT Transportation and Imperial Dade knew or had reason to know that permitting Defendant Acosta, who exhibited a pattern and course of conduct of violating the Federal Motor Carrier Safety Regulations and the Hours of Service requirements, would cause him to drive in a fatigued condition and be highly likely to cause an accident involving serious injury or death.

75. Defendants, LT Transportation and Imperial Dade knew or had reason to know that permitting Defendant Acosta, who exhibited a pattern and course of conduct of violating the Federal Motor Carrier Safety

Regulations and the Hours of Service requirements, lacked sufficient skill and judgment in operating the tractor-trailer.

76. Despite such knowledge, Defendants, LT Transportation and Imperial Dade, failed to supervise and provide training to Defendant Acosta, in conscious disregard of the known risk.

77. Despite such knowledge, Defendants, LT Transportation and Imperial Dade, failed to supervise and provide training and oversight to Defendant Acosta, in auditing or overseeing the Hours of Service logs to ensure completion and compliance with state and federal regulations.

78. Despite such knowledge, Defendants, LT Transportation and Imperial Dade, failed to oversee Defendant Acosta's operation of the tractor-trailer and to ensure that its operation occurred in a manner consistent with state and federal regulations, including the Federal Motor Carrier Safety Regulations.

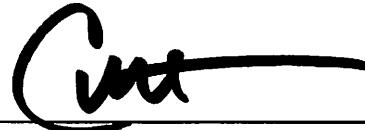
79. The aforementioned conduct demonstrates LT Transportation and Imperial Dade consciously disregarded and acted recklessly indifferent to the known risk of injury to Plaintiffs and the motoring public by their driver, Defendant Acosta, who was unfit to drive a tractor-trailer.

WHEREFORE, Plaintiffs Richard Hasselbusch and Christine

Hasselbusch, Parents and Natural Guardians of W.H. hereby claim punitive damages from the Defendants in an amount that exceeds the jurisdictional amount requiring arbitration by local rule, together with interest and costs. Plaintiffs further demand a trial by jury of twelve of their peers to determine their cause.

Respectfully Submitted,

HOF & REID, LLC



Date: November 13, 2021

Christopher M. Reid, ID No. 84231
Isaac A. Hof, ID No. 314094
HOF & REID, LLC
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3101 Emrick Boulevard, Suite 205
Bethlehem PA 18020
Telephone: (610) 258-6184
Facsimile: (610) 258-0390

Attorneys for Plaintiffs

VERIFICATION

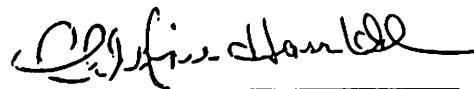
The undersigned having read the attached pleading verifies that the within document is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of signer. Signer verifies that he/she has read the within document and that it is true and correct to the best of signer's knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, verifier has relied upon counsel in taking this Verification. This Verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Date: 13 November 2021



Richard Hasselbusch

Date: 13 November 2021



Christine Hasselbusch

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION - LAW

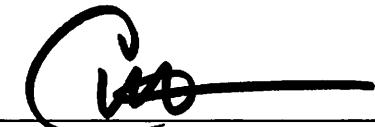
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Defendants		:

**HOF
& REID^{lc}**

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the unified Judicial System of Pennsylvania* that requires filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted,


Christopher M. Reid, I.D. No. 84231
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Telephone: (610) 258-6184
Facsimile: (610) 258-0390
Attorneys for Plaintiffs

Date: November 17, 2021

EXHIBIT “A”

AA-500S TX
 Incident Number: US-210514-2248
 Crash Involves: DUI Fatality
 N/A Work Zone Hit and Run Commercial Vehicle State Police Vehicle
 Local Police Vehicle ATV Snowmobile Commonwealth Vehicle
 Local Gov Vehicle

Commonwealth of Pennsylvania Police Crash Report

PAGE 1

REPORTABLE CRASH

Police Agency Data	Agency Name UPPER SAUCON TOWNSHIP						Case Closed NO	Patrol Zone 02	Investigation Date 05/14/2021			
	Dispatch Time 22:44 hrs.	Arrival Time 22:48 hrs.	Investigator MACKENZIE, PATRICK				Badge Number 35					
Approval Date 05/21/2021			Reviewer CLAUSE, SEAN				Reviewer Badge Number 26					
Crash Data	Date of Crash 05/13/2021	Time of Crash 22:45 hrs.	Day of the Week THURSDAY	Crash Description ANGLE				Secondary Crash? NO				
	County LEHIGH			Municipality UPPER SAUCON TWP								
	Weather Conditions 1 CLEAR			Weather Conditions 2 CLEAR		Relation to Roadway ON TRAVEL LANES						
	Illumination DARK -STREET LIGHTS			Road Surface Conditions DRY								
	# of Units 2	# of People 2	# of Injured 001	# Killed 000	School Bus Related NO		School Zone Related NO		PennDOT Notified NO			
	Type of Intersection 4 WAY INTERSECTION				Intersection Related?		Special Location NOT APPLICABLE					
Work Zone	Work Zone NO	Where in Work Zone				Speed Limit	Workers Present	Officer Present	Worker Injured or Killed			
	Worker 1 Unit #	Worker 2 Unit #	Worker 3 Unit #	Worker 4 Unit #	Work Zone Characteristics		<input type="checkbox"/> Lane Closure <input type="checkbox"/> Road Closed with Detour <input type="checkbox"/> Work on Shoulder or Median <input type="checkbox"/> Intermittent or Moving Work <input type="checkbox"/> Flagger Control <input type="checkbox"/> Other					
Principal Rd. / Intersecting Rd.	Route Signing STATE HIGHWAY				Route Number 0309	Segment Number 02	Travel Lanes 55 MPH	Orientation SOUTH				
	House Number				Street Name ROUTE				St Ending HIGHWAY			
	Used in Intersection Crashes	Route Signing STATE HIGHWAY				Route Number 2036	Segment Number 05	Travel Lanes 45 MPH	Orientation EAST			
		Street Name W SAUCON VALLEY								St Ending ROAD		
Distance From Landmark Used for Mid-Block Crashes	Landmark 1	Route Number	Or Mile Post	Tenths	Or Segment Marker			Ramp Use Only		Feet		
		Street Name				Street Ending						Or Miles
	Landmark 2	Route Number	Or Mile Post	Tenths	Or Segment Marker			Ramp Use Only		The above entry is the distance from the Crash Scene to Landmark 1		
		Street Name				Street Ending						
GPS	Latitude:	Degrees 40	Minutes 32	Seconds 54	Decimal 140	Longitude:	Degrees 75	Minutes 25	Seconds 27	Decimal 410		
TCP	Traffic Control Device TRAFFIC SIGNAL						Traffic Control Functioning DEVICE FUNCTIONING PROPERLY					
	Lane Closed FULLY		Lane Closure Direction ALL (N,S,E,W)				Traffic Detoured YES		Roadway Cleared 04:00 Hrs			
Event Information	Environmental / Roadway Potential Factors (E/R)											
	Factor 1 NONE			Factor 2			Factor 3					
	First Harmful Event in the Crash						Most Harmful Event in the Crash					
	Unit Number 001	Harmful Event HIT UNIT 2		Unit Number 001	Harmful Event HIT UNIT 2							
	Indicated Prime Factor DRIVER ACTION			Unit Number 001	Prime Factor Driver Action RUNNING RED LIGHT							
	Prime Factor Environmental/Roadway				Prime Factor Vehicle Failure				Prime Factor Pedestrian Action			
	Road Surface Type					Special Jurisdiction						

AA-500S TX
 Incident Number: US-210514-2248
 Crash Involves: DUI Fatality Hit and Run Commercial Vehicle State Police Vehicle
 N/A Work Zone ATV Snowmobile Commonwealth Vehicle
 Local Police Vehicle Local Gov Vehicle

Commonwealth of Pennsylvania Police Crash Report

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REPORTABLE CRASH

Driver/Pedestrian Information	Unit Number 001 Type Unit Motor Vehicle in Transport					Commercial Vehicle Yes			
	First Name LARRY		MI	Last Name SALMERON ACOSTA			Suffix	DOB 12/23/1985	Telephone Number (704) 657-6246
	Street Address 176 WINDING CEDAR DR			City STATESVILLE			State NC	Zip Code 28677-8411	
	Gender MALE	License Number 000042613626	License State NC	Class A	Expiration Date 12/23/2025	Owner/Driver PRIVATE VEHICLE OWNED/LEASED BY DRIVER			
	Driver Presence DRIVER OPERATED VEHICLE		Physical Condition APPARENTLY NORMAL						
	Violation 1 FAILURE TO STOP AT RED SIGNAL								Person Charged U - UNDETERMINED
	Violation 2 CARELESS DRIVING-SERIOUS BODILY INJURY								Person Charged U - UNDETERMINED
	Violation 3								Person Charged
	Violation 4								Person Charged
	Alcohol/Drugs Suspected NO		Alcohol Test Type BLOOD		Alcohol Test Results 0.00 %				
Drug Test Type NONE		Drug Test Results NO DRUGS REPORTED							
Driver Action RUNNING RED LIGHT									
Pedestrian Action				Pedestrian Signals		Pedestrian Clothing	Pedestrian Location		
1st Harmful Event HIT UNIT 2						Left or Right Side	Most Harmful YES	Utility Pole Number	
2nd Harmful Event						Left or Right Side	Most Harmful	Utility Pole Number	
3rd Harmful Event						Left or Right Side	Most Harmful	Utility Pole Number	
4th Harmful Event						Left or Right Side	Most Harmful	Utility Pole Number	
Owner First Name LARRY				Owner MI	Owner Last Name or Business Name SALMERON ACOSTA			Suffix	
Street Address 176 WINDING CEDAR DR				City STATESVILLE	State NC	Zip Code 28677841	Telephone Number (704) 657-6246		
Vehicle Type LARGE TRUCK		Vehicle Automation NO AUTOMATION		Special Usage NOT APPLICABLE			Government Equipment Number		
Model Year 2002	Vehicle Make FREIGHTLINER	Vehicle Model TRUCK		Vehicle Color WHITE	VIN 1FUJA6CG52PJ02863				
License Plate NK3374		Reg. State NC	Est. Speed 050	Vehicle Towed YES	Towed By GRANTS AUTO SALVAGE				
Insurance YES	Insurance Company AMGUARD INS CO		Telephone Number (704) 732-1811		Policy Number NCFR108320		Expiration Date 03/14/2021		
Direction of Travel SOUTH	Vehicle Position RIGHT LANE "CURB"			Vehicle Movement GOING STRAIGHT			Initial Impact Point 12 O'CLOCK		
Damage Indicator DISABLING	Gradient LEVEL		Road Alignment STRAIGHT		Possible Vehicle Failures NONE				
# of Units 1	Type Unit 1 SEMI-TRAILER	Tag Number AL70878		Tag Year 2021	Tag State NC				
Unit Make TRAILER				Unit Owner LARRY SALMERON ACOSTA					
Type Unit 2			Tag Number		Tag Year	Tag State			
Unit Make				Unit Owner					
Motorcycle/Scooter	Engine Size cc	Passenger?		Saddle Bag/Trunk?		Trailer?	Driver Education?		
	Driver Helmet Type		Helmet Stayed On?		DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
	Passenger Helmet Type		Helmet Stayed On?		DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
Passenger?		Helmet?		Head Lights?				Rear Reflectors?	

AA-500S TX

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REPORTABLE CRASH

Incident Number: US-210514-2248

Crash Involves: DUI Fatality Hit and Run Commercial Vehicle State Police Vehicle
 N/A Work Zone ATV Snowmobile Commonwealth Vehicle
 Local Police Vehicle Local Gov Vehicle

Driver/Pedestrian Information	Unit Number 002	Type Unit Motor Vehicle in Transport	Commercial Vehicle No						
	First Name W	MI T	Last Name H	Suffix	DOB 07/30/2004	Telephone Number			
	Street Address 1790 ARDEN LN			City BETHLEHEM			State PA	Zip Code 18016-0000	
	Gender MALE	License Number 33785517	License State PA	Class C	Expiration Date 07/31/2024	Owner/Driver PRIVATE VEHICLE NOT OWNED/LEASED BY DRIVER			
	Driver Presence DRIVER OPERATED VEHICLE		Physical Condition APPARENTLY NORMAL						
	Violation 1							Person Charged	
	Violation 2							Person Charged	
	Violation 3							Person Charged	
	Violation 4							Person Charged	
	Alcohol/Drugs Suspected NO		Alcohol Test Type TEST NOT GIVEN		Alcohol Test Results				
Drug Test Type NONE		Drug Test Results							
Driver Action NO CONTRIBUTING ACTION									
Pedestrian Action			Pedestrian Signals		Pedestrian Clothing	Pedestrian Location			
1st Harmful Event STRUCK BY UNIT 1					Left or Right Side		Most Harmful YES	Utility Pole Number	
2nd Harmful Event					Left or Right Side		Most Harmful	Utility Pole Number	
3rd Harmful Event					Left or Right Side		Most Harmful	Utility Pole Number	
4th Harmful Event					Left or Right Side		Most Harmful	Utility Pole Number	
Owner First Name RICHARD			Owner MI	Owner Last Name or Business Name HASSELBUSCH				Suffix	
Street Address 1790 ARDEN LN			City BETHLEHEM			State PA	Zip Code 18015	Telephone Number	
Vehicle Type AUTOMOBILE		Vehicle Automation NO AUTOMATION		Special Usage NOT APPLICABLE			Government Equipment Number		
Model Year 2008	Vehicle Make VOLKSWAGEN	Vehicle Model Passat		Vehicle Color BLACK	VIN WVWUK73C18P094970				
License Plate KDX0119		Reg. State PA	Est. Speed 015	Vehicle Towed YES	Towed By GRANTS SALVAGE				
Insurance YES	Insurance Company NEW JERSEY MANUFACTURERS INS		Telephone Number		Policy Number F10292143-4			Expiration Date 11/01/2021	
Direction of Travel EAST	Vehicle Position LEFT TURN LANE			Vehicle Movement GOING STRAIGHT			Initial Impact Point 10 O'CLOCK		
Damage Indicator DISABLING	Gradient LEVEL	Road Alignment STRAIGHT		Possible Vehicle Failures NONE					
# of Units	Type Unit 1	Tag Number			Tag Year	Tag State			
Unit Make				Unit Owner					
Type Unit 2			Tag Number			Tag Year	Tag State		
Unit Make				Unit Owner					
Motorcycle	Engine Size cc	Passenger?		Saddle Bag/Trunk?		Trailer?		Driver Education?	
	Driver Helmet Type		Helmet Stayed On?		DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
	Passenger Helmet Type		Helmet Stayed On?		DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
Bicycle	Passenger?		Helmet?		Head Lights?				Rear Reflectors?

AA-500S TX
 Incident Number: US-210514-2248
 Crash Involves: DUI Fatality
 N/A Work Zone Hit and Run Commercial Vehicle
 Local Police Vehicle ATV Snowmobile State Police Vehicle
 Local Gov Vehicle Commonwealth Vehicle

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REPORTABLE CRASH

Commercial Vehicle	Unit Number 1	Number of Axles 03	Carrier Name LARRY SALMERON ACOSTA			Phone Number (704) 657-6246		
	Street Address 176 WINDING CEDAR DR			City STATESVILLE	State NC	Zip Code 28677		
	Cargo Body Type NOT APPLICABLE		Vehicle Configuration TRACTOR / SEMI-TRAILER(S)			GVWR 008000		
	Oversize Load NO	USDOT Number 02290366	ICC Number	PUC Number	Hazardous Materials NO			
	HazMat Class 1			Release Indicator 1				
	HazMat Class 2			Release Indicator 2				
HazMat Class 3			Release Indicator 3					
HazMat Class 4			Release Indicator 4					
People Information	Unit # 001	Person No 001	First Name LARRY	MI	Last Name SALMERON ACOSTA	Suffix	DOB 12/23/1985	
	Street Address 176 WINDING CEDAR DR			City STATESVILLE	State NC	Zip Code 28677-8411		
	Phone Number (704) 657-6246		EMS Transport NO	Person Type DRIVER	Gender MALE			
	EMS Agency EMMAUS AMBULANCE CORPS.			Medical Facility NONE				
	Injury Severity NOT INJURED							
	Seat Position DRIVER - ALL VEHICLES			Safety Equipment 1 LAP AND SHOULDER BELT USED				
	Safety Equipment 2 AIR BAG(S) NOT DEPLOYED			Extrication NOT EXTRICATED				
	Ejection NOT APPLICABLE		Ejection Path NOT EJECTED/NOT APPLICABLE					
	Airbag NOT APPLICABLE							
	People Information	Unit # 002	Person No. 002	First Name W. [REDACTED]	MI	Last Name H. [REDACTED]	Suffix	DOB 07/30/2004
Street Address 1790 ARDEN LN			City BETHLEHEM	State PA	Zip Code 18015-0000			
Phone Number		EMS Transport YES	Person Type DRIVER	Gender MALE				
EMS Agency UPPER SAUCON AMBULANCE CORPS			Medical Facility ST LUKES FOUNTAIN HILL					
Injury Severity SUSPECTED SERIOUS INJURY								
Seat Position DRIVER - ALL VEHICLES			Safety Equipment 1 UNKNOWN					
Safety Equipment 2 UNKNOWN IF AIR BAG(S) DEPLOYED			Extrication FREED BY NON-MECHANICAL MEANS					
Ejection NOT EJECTED		Ejection Path NOT EJECTED/NOT APPLICABLE						
Airbag NOT DEPLOYED								
Witness		First Name MARICEE		MI	Last Name RODERICK		Suffix	Phone Number (484) 571-4472
	Street Address 1104 SENECA ST			City FOUNTAIN HILL	State PA	Zip Code 18015		

AA-5005 TX

Commonwealth of Pennsylvania Police Crash Report

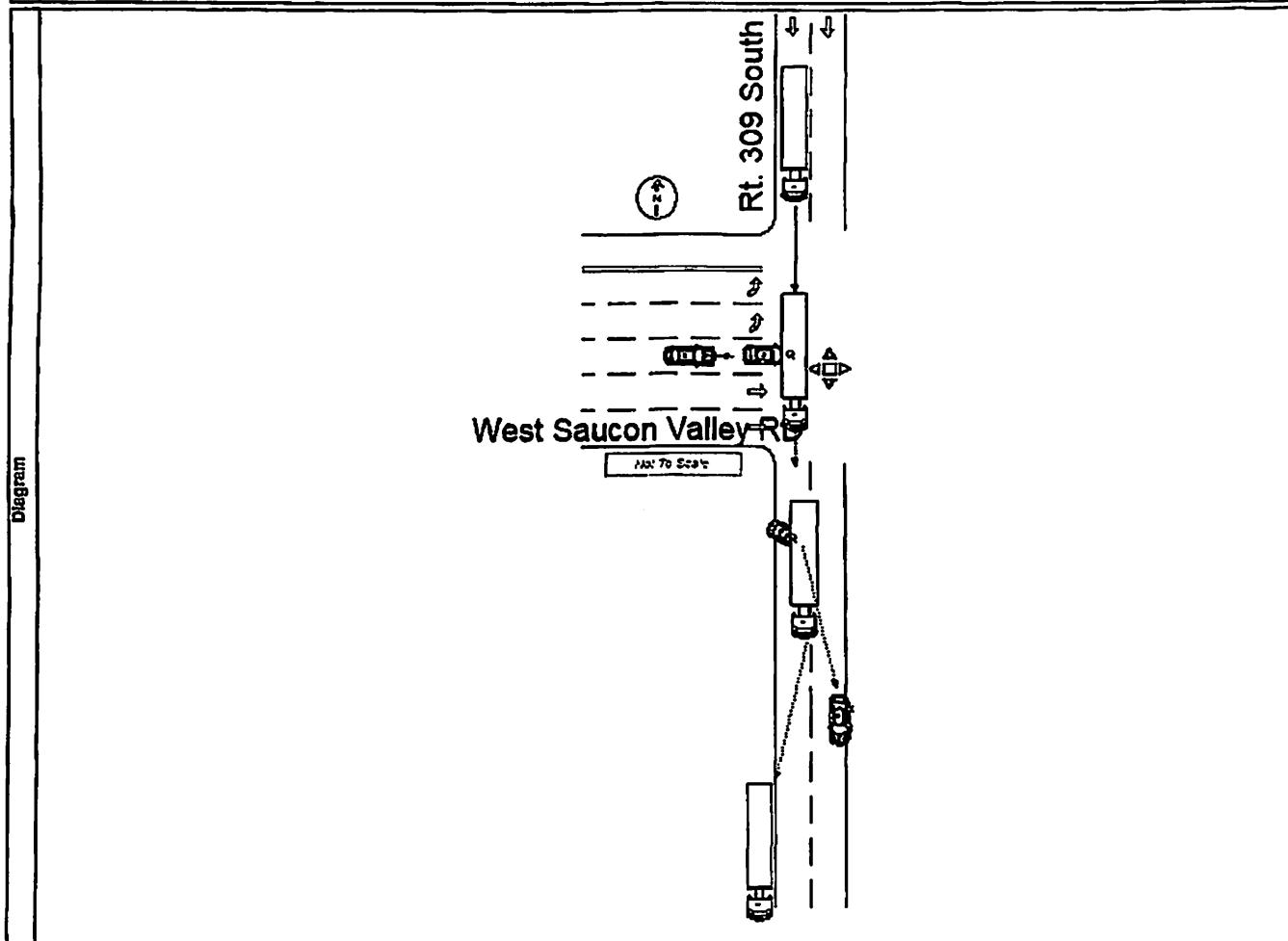
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REPORTABLE CRASH

Incident Number: US-210514-2248

Crash Involves: DUI Fatality
 N/A Work Zone Hit and Run Commercial Vehicle State Police Vehicle
 Local Police Vehicle ATV Snowmobile Commonwealth Vehicle
 Local Gov Vehicle

Witness	First Name KEVIN	MI	Last Name MURRIELL	Suffix	Phone Number (267) 406-8271
	Street Address 212 FIFTH ST	City WHITEHALL	State PA	Zip Code 18052	
Witness	First Name OLIVIA	MI	Last Name BIERY	Suffix	Phone Number (484) 515-5411
	Street Address 5826 MAIN ST	City CENTER VALLEY	State PA	Zip Code 18036	
Witness	First Name JESUS	MI	Last Name NUNEZ	Suffix	Phone Number (267) 733-7053
	Street Address 600 S WEST END BLVD	City QUAKERTOWN	State PA	Zip Code 18951	
Notified	Person/Business Notified	Phone Number	Date Notified	Time Notified	
	Reason for Notification				



Crash Details

The Operator of unit 01 was travelling south on route 309 at Saucon Valley Road when he ran the red light colliding into unit 02. Unit 02 upon collision with unit 01 drug unit 02 down 309 South until it became free and stopped on the shoulder of 309 South.